## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,					
	Plaintiff,	) 8:09CR155 )			
	vs.	) DETENTION ORDER			
Te	odoro Garcia-Martinez,	)			
	Defendant.	,			
A.	After the defendant waived a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).				
B.	B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.				
C.	with intent to distribute intent to distribute and maximum penalty of	ervices Report, and includes the following: ne offense charged: on of methamphetamine; possession with distribution of methamphetamine is a serious crime and carries a life imprisonment.			
	(2) The weight of the evidence aga X (3) The history and characteristics (a) General Factors:				

## DETENTION ORDER - Page 2

	The defendant appears to have a mental condition which may affect whether the defendant will appear. The defendant has no family ties in the area. The defendant has no steady employment. The defendant has no substantial financial resources. The defendant is not a long time resident of the
	community The defendant does not have any significant community ties.
	Past conduct of the defendant:
	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.  (b) At the time of the current arrest, the defendant was on:
	Probation Parole
	Release pending trial, sentence, appeal or completion of sentence.  (c) Other Factors:
	The defendant is an illegal alien and is subject to deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.  X The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal.  Other:
(4)	The nature and seriousness of the danger posed by the defendant's release are as follows:
, ,	Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:  (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:

## DETENTION ORDER - Page 3

	_X_ (2)	An offense for which the maximum penalty is life imprisonment or death; or
	(3)	A controlled substance violation which has a
		maximum penalty of 10 years or more; or
	(4)	A felony after the defendant had been convicted of
		two or more prior offenses described in (1) through
		(3) above, and the defendant has a prior conviction
		for one of the crimes mentioned in (1) through (3)
		above which is less than five years old and which
		was committed while the defendant was on pretrial
		release.
X (b)	That no cor	dition or combination of conditions will reasonably
assure the appearance of the defendant as required and the		appearance of the defendant as required and the
	safety of the community because the Court finds that there is	
probable cause to believe:		use to believe:
	<u>X</u> (1)	That the defendant has committed a controlled
		substance violation which has a maximum penalty of
		10 years or more.
	(2)	That the defendant has committed an offense under
		18 U.S.C. § 924(c) (uses or carries a firearm during
		and in relation to any crime of violence, including a
		crime of violence, which provides for an enhanced
		punishment if committed by the use of a deadly or
		dangerous weapon or device).

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel: and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: May 19, 2009.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge